

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff,* §  
§  
v. § CASE NO. 5:20-CV-051  
§  
1.4338 ACRES OF LAND, MORE OR §  
LESS, SITUATE IN WEBB COUNTY, §  
STATE OF TEXAS; AND EDUARDO §  
PITON, ET AL., §  
§  
*Defendants.* §

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: s/ John A Smith, III  
**JOHN A. SMITH, III**  
Assistant United States Attorney  
Attorney-in-Charge  
Southern District of Texas No. 8638  
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800 North Shoreline Blvd., Suite 500  
Corpus Christi, Texas 78401  
Telephone: (361) 888-3111  
Facsimile: (361) 888-3234  
E-mail: [john.a.smith@usdoj.gov](mailto:john.a.smith@usdoj.gov)

# SCHEDULE A

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# SCHEDULE C

**SCHEDULE C**

**LEGAL DESCRIPTION**

WEBB COUNTY, Texas

Tract: LRT-LRN-1015

Owner: Eduardo Piton, *et al.*

Acres: 1.4338

Tracts 55-A and 55-B, containing 1.4338 acres, more or less, in Webb County, Texas, situated in Porcion 10, Tomas Sanchez, Original Grantee, Abstract 280, being out of a 584.598 acre tract of land that comprises First and Third Tracts described in a Deed from C. H. Griffith and wife, to Sam Yates and Ricardo E. Longoria, recorded in Volume 426, Page 276 of the Webb County Deed Records.

# **SCHEDULE D**

**SCHEUDLE D**

**MAP or PLAT**

Border Infrastructure Project - LRT-LRN-1000s

Webb County



**LAND TO BE CONDEMNED**

Tract: LRT-LRN-1015

Owner: Eduardo Piton, *et al.*

Acreage: 1.4338

\* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract hashed in yellow on the map above.

# **SCHEDULE E**

**SCHEDULE E**

**ESTATE TAKEN**

WEBB COUNTY, Texas

Tract: LRT-LRN-1015

Owner: Eduardo Piton, *et al.*

Acres: 1.4338

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

# **SCHEDULE**

# **F**

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

# **SCHEDULE G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>Eduardo Piton</b>  Laredo, TX 78045-7728	County Property ID# 273768; Warranty Deed dated May 31, 2013, Document 1171216, and recorded in Volume 3449, Page 696, of the Deed Records of Webb County, Texas
<b>Maria de Jesus Piton</b>  Laredo, TX 78045-7728	County Property ID# 218249; Warranty Deed dated May 30, 2013, Document 1171008, and recorded in Volume 3448, Page 590, of the Deed Records of Webb County, Texas

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (*SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.*)

<b>I. (a) PLAINTIFFS</b>		<b>DEFENDANTS</b>																											
<b>(b)</b> County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.																											
<b>(c)</b> Attorneys ( <i>Firm Name, Address, and Telephone Number</i> )		Attorneys ( <i>If Known</i> )																											
<b>II. BASIS OF JURISDICTION</b> ( <i>Place an "X" in One Box Only</i> )		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> ( <i>Place an "X" in One Box for Plaintiff and One Box for Defendant</i> )																											
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<b>IV. NATURE OF SUIT</b> ( <i>Place an "X" in One Box Only</i> )      Click here for: <a href="#">Nature of Suit Code Descriptions</a> .																													
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<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing ( <i>Do not cite jurisdictional statutes unless diversity</i> ):  Brief description of cause:																											
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		<b>DEMAND \$</b> CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																									
<b>VIII. RELATED CASE(S) IF ANY</b>		<i>(See instructions):</i> JUDGE _____		<b>DOCKET NUMBER</b> _____																									
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